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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,572	05/23/2001	Jonathan Lee Hanmann	K35A0870	9338

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EXAMINER

PHILLIPS, HASSAN A

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/863,572	HANMANN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Hassan Phillips	2151	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) *                      | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/8/01</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The Information Disclosure Statement (IDS) filed May 23, 2001, has been received and considered by the examiner.

### ***Drawings***

1. Figure 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

1. Claim 27 is objected to because of the following informalities: The examiner feels that the applicant made a minor error in having claim 27 dependent upon claim 1. The examiner feels that claim 27 should depend on independent claim 16 instead, and has therefore interpreted claim 27 as depending on claim 16. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3, 5, 7-11, 16, 18, 20, 22-26, 31, 33, 35, and 37-41, are rejected under 35 U.S.C. 102(e) as being anticipated by Fletcher et al. (hereinafter Fletcher), U.S. Patent 6,138,156 (supplied by applicant).

3. In considering claims 1, 16, and 31, Fletcher teaches a method and computer program for remotely synchronizing a mobile terminal to a target computer, the mobile terminal comprising a local memory (28) and a screen (24) the method and computer program comprising the steps of:

- a) Providing a set of synchronization rules comprising ordering and filtering rules, monitoring a user's operation of the mobile terminal, executing a computer program for adapting the ordering and filtering rules in response to the user's operation of the mobile terminal to generate a modified set of synchronization rules, and exchanging synchronization data between the target computer and the mobile terminal using the modified set of

synchronization rules, and storing synchronized data in the local memory of the mobile terminal, (col. 3, lines 66-67, col. 4, lines 1-32, also see Fig. 1).

4. In considering claims 3, 18, and 33, it is inherent that the teachings of Fletcher comprise the step of transmitting the modified set of synchronization rules from the mobile terminal to the target computer. See col. 10, lines 28-38.

5. In considering claims 5, 20, and 35, Fletcher teaches the target computer using the modified set of synchronization rules to configure a synchronization program executed by the target computer. See col. 7, lines 14-19.

6. In considering claims 7, 22, and 37, Fletcher teaches the mobile terminal processing the modified set of synchronization rules to control the exchange of synchronization data between the mobile terminal and the target computer. See col. 6, lines 6-22.

7. In considering claims 8, 23, and 38, Fletcher teaches the synchronization data comprising a first data and a second data, the step of monitoring a user's operation of the mobile terminal comprising the step of monitoring the user's preference in viewing data, and if the step of monitoring the user's operation indicates a preference for viewing the first data before viewing the second data, the computer program adapting

the ordering and filtering rules such that the first data are received by the mobile terminal before the second data. See col. 9, lines 15-61.

8. In considering claims 9, 24, and 39, it is inherently capable, in the method and computer program taught by Fletcher, for the first data to comprise emails, and the second data to comprise web pages. See col. 9, lines 15-61.

9. In considering claims 10, 25, and 40, it is inherently capable, in the method and computer program taught by Fletcher, for the first data to comprise a first web page, and the second data to comprise a second web page. See col. 9, lines 15-61.

10. In considering claims 11, 26, and 41, Fletcher teaches the step of monitoring a user's operation of the mobile terminal comprising the step of identifying data of interest to the user, and the computer program adapting the ordering and filtering rules so that web pages related to the data of interest are received by the mobile terminal. See col. 9, lines 15-61.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 4, 6, 12-15, 17, 19, 21, 27-30, 32, 34, 36, and 42-45, are rejected under 35 U.S.C. 103(a) as being unpatentable over Fletcher in view of Kalish et al. (hereinafter Kalish), U.S. Patent Pub. No. 2002/0116472.

3. In considering claims 2, 17, and 32, although the disclosed method and computer program of Fletcher shows substantial features of the claimed invention, they fail to expressly disclose:

- a) Displaying the synchronized data while concurrently receiving synchronization data from the target computer.

Nevertheless, in a similar field of endeavor, Kalish teaches a method and system for pushing content to mobile devices comprising:

- a) Displaying synchronized data on the screen of a mobile terminal while concurrently receiving synchronization data from a target computer using a set of synchronization rules, (page 3, paragraph 37, also see Fig. 4).

Thus, given the teachings of Kalish, it would have been obvious to one of ordinary skill in the art to modify the teachings of Fletcher in order to show the step of displaying synchronized data on the screen of the mobile terminal while concurrently receiving synchronization data from the target computer using the modified set of synchronization rules. Doing so would have demonstrated a means for transparently optimizing communication between the mobile terminal and the target computer by minimizing access latency, Fletcher page 3, paragraph 40.

4. In considering claims 4, 19, and 34, it is implicit that the teachings of Fletcher comprise the step of transmitting the modified set of synchronization rules from the mobile terminal to the target computer. See col. 10, lines 28-38.

5. In considering claims 6, 21, and 36, Fletcher teaches the target computer using the modified set of synchronization rules to configure a synchronization program executed by the target computer. See col. 7, lines 14-19.

6. In considering claims 12, 27, and 42, although the disclosed method and computer program of Kalish shows substantial features of the claimed invention, they fail to expressly disclose:

- a) Receiving a plurality of web pages associated with a user's monitored progression through a path of linked web pages.

Nevertheless, in a similar field of endeavor, Kalish teaches a method and system for pushing content to mobile devices comprising:

- a) Monitoring a user's progression through a path of linked web pages while browsing an Internet web site on-line, adapting an ordering and filtering rule based on the user's progression through the path of linked web pages, and receiving a plurality of web pages associated with the path, the web pages for display on the screen of a mobile terminal, (page 3, paragraph 37, also see Fig. 4).



Thus, given the teachings of Kalish, it would have been obvious to one of ordinary skill in the art to modify the teachings of Fletcher in order to show the steps of monitoring a user's progression through a path of linked web pages while browsing an Internet web site on-line, adapting an ordering and filtering rule based on the user's progression through the path of linked web pages, and receiving a plurality of web pages associated with the path, the web pages for display on the screen of a mobile terminal. This would have demonstrated a means for transparently optimizing communication between the mobile terminal and the target computer while minimizing access latency to a plurality of web pages, Fletcher page 3, paragraph 40.

7. In considering claims 13, 28, and 43, Kalish teaches the plurality of web pages received by the mobile terminal comprising web pages linked to the path. See page 3, paragraph 37. Also see Fig. 4. One of ordinary skill in the art would combine the teachings of Fletcher with Kalish for the reasons indicated in consideration of claims 12, 27, and 42.

8. In considering claims 14, 29, and 44, Kalish teaches the synchronization rules comprising a link-depth identifying a maximum depth of linked pages extending from the path to include in the plurality of web pages received by the mobile terminal. See page 3, paragraph 39. One of ordinary skill in the art would combine the teachings of Fletcher with Kalish for the reasons indicated in consideration of claims 12, 27, and 42.

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9. In considering claims 15, 30, and 45, the method and computer program taught by Fletcher are implicitly capable of comprising the steps for: the user enabling the monitoring of the progression through the path of linked web pages, and the user disabling the monitoring of the progression through the path of linked web pages. See col. 10, lines 28-38.

### ***Conclusion***

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fletcher et al. U.S. Patent 6,138,156, (supplied by applicant), discloses a method and computer program for remotely synchronizing a mobile terminal by adapting ordering and filtering synchronization rules based on a user's operation of the mobile terminal.

Kalish et al., U.S. Patent Pub. No. 2002/0116472, discloses a method and system for pushing content to a mobile terminal.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is (571) 272-3940. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (703) 308-6687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HP/  
8/31/04

  
ZARNI MAUNG  
PRIMARY EXAMINER